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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,021	06/26/2001	Douglas P. Bogia	42390P10211	3409

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REFAI, RAMSEY

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2152

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/893,021	BOGIA, DOUGLAS P.
	Examiner	Art Unit
	Ramsey Refai	2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 May 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4,11,12,17-20,29,30 and 32-42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,4,11,12,17-20,29,30 and 32-42 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/01/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responsive to Request for Continued Examination filed May 1, 2006. Claims 32-42 are new. claims 5-7 have been canceled. Claims 1, 11, 18, 20, 29, and 30 have been amended. Claims 1, 4, 11, 12, 17-20, 29, 30 and 32-42 are now pending further examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on May 1, 2006 was filed after the mailing date of the final Office action on January 31, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 18-20, 32, 38, and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 18 recites the limitation “sending an email including the configuration information to each of the group of appliances at the same time” and claim 32 recites the limitation “transmitting to a plurality of appliances at the same time”. The specification does not clearly state that the configuration email is sent to multiple devices at the same time. The last paragraph of page 7 states that “*the remote machine may transmit an email message, or other electronic data file, to multiple appliances at substantially the same time.*” which is different than the claimed “at the same time” since that would infer that reconfiguration of multiple devices is done simultaneously. Claims 19, 20, 38, and 39 depend on claim 18, therefore these claims are rejected under the same rationale.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1, 4, 32, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 contains newly added limitation “receiving an electronic data file indicating whether or not the reconfiguration of the appliance was successful.” It is not clear whether “an electronic data file” is the same as previously presented “an electronic data file” in line 2. Clarification is respectfully requested. Claims 4, 32 and 33 depend on claim 1 and therefore are rejected under the same rationale as claim 1 above.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 29, 30, 32, 33, 40, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (U.S. Patent No. 6,868,444).

11. As per claim 1, Kim et al teach a method comprising:

generating an electronic data file including configuration information transmitting the electronic data file including the configuration information to an appliance the electronic data file to cause the appliance to be reconfigured based on the configuration information (**column 2, lines 45-55, column 6, line 30-column 7, line 17**); and

receiving an electronic file indicating whether or not the reconfiguration of the appliance was successful (**column 8, lines 35-50**).

12. As per claim 29, Kim et al teach an article comprising:

a storage medium, which stores instructions, the instructions, when executed, causing systems to: receive an electronic data file including configuration information; and reconfiguring an appliance selected from the group consisting of a router and a server based on the configuration information included in the electronic data file, wherein said reconfiguring the appliance comprises modifying an application program (**column 2, lines 45-55, abstract, Figure 1, column 6, line 30-column 7, line 17**).

13. As per claim 30, Kim et al teach wherein the storage medium further comprises instructions that when executed cause the systems to: decrypt the electronic data file (**column 1, lines 30-47**).

14. As per claim 32, Kim et al teach wherein said transmitting comprises transmitting to a plurality of appliances at the same time to keep the plurality of appliances consistently configured.
15. As per claim 33, Kim et al teach wherein said transmitting comprises transmitting to an appliance selected from a router and a server, and wherein said generating comprises generating an electronic file including configuration information to reconfigure an application program.
16. As per claim 40, Kim et al teach the instructions that when executed cause the systems to modify the application program further comprises instructions that when executed cause the system to modify the operating system (**column 4, lines 30-61, column 6, lines 30-51, column 8, lines 35-50**).
17. As per claim 42, Kim et al teach the instructions when executed cause the system to reconfigure the appliance further comprise instructions that when executed cause the system to: reconfigure the appliance when the application is idle (**abstract, column 2, lines 45-60, column 8, lines 35-49**).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4, 11, 12, 17, 18, 19, 20, 34-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (U.S. Patent No. 6,868,444) in view of Smith et al (U.S. Patent No. 6,785,015).
20. As per claim 4, Kim et al teach encrypting the electronic data file prior to sending it to the appliance (**column 1, lines 30-47**). Kim et al fail to teach wherein the electronic data file is embedded in an email. However, Smith et al teach that email messages include commands and requests to reconfigure a network device (**abstract, column 2, lines 40-50**). It would have been obvious to one of the ordinary skill in the art to combine the teachings of Kim et al and Smith et al because the use of email messages in

Kim et al would allow for the reconfiguring of devices behind firewalls since firewalls do not block email messages.

21. As per claim 11, Kim et al teach a method comprising receiving an electronic data file including configuration information at an appliance and reconfiguring the appliance based on the configuration information when the appliance is idle (**column 8, lines 35-49**). Kim et al fail to teach wherein the electronic data file is an email. However, Smith et al teach that email messages include commands and requests to reconfigure a network device (**abstract, column 2, lines 40-50**). It would have been obvious to one of the ordinary skill in the art to combine the teachings of Kim et al and Smith et al because the use of email messages in Kim et al would allow for the reconfiguring of devices behind firewalls since firewalls do not block email messages.

22. As per claim 12, Kim et al teach decrypting the email (**column 1, lines 30-47**).

23. As per claim 17, Kim et al teach sending a confirmation email indicating that the appliance was reconfigured successfully (**column 8, lines 35-50**).

24. As per claim 18, Kim et al teach a method comprising entering configuration information using an application running on a machine; sending an electronic data file including configuration information for to each of a group of appliances at the same time to consistently configure the group of appliance (**abstract, column 2, lines 45-55**). Kim et al fail to teach wherein the electronic data file is an email. However, Smith et al teach that email messages include commands and requests to reconfigure a network device (**abstract, column 2, lines 40-50**). It would have been obvious to one of the ordinary skill in the art to combine the teachings of Kim et al and Smith et al because the use of email messages in Kim et al would allow for the reconfiguring of devices behind firewalls since firewalls do not block email messages.

25. As per claim 19, Kim et al teach encrypting the configuration information in the email (**column 1, lines 30-47**).

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26. As per claim 20, Kim et al teach the group of appliances authenticating the email and reconfiguring the group of appliances based on the configuration information after authenticating (**abstract, column 2, lines 45-55**).
27. As per claim 34, Kim et al teach wherein said receiving the email at the appliance comprises receiving the email at an appliance selected from a router and server (**Figure 1**).
28. As per claim 35, Kim et al teach sending an electronic data file indicating whether or not the reconfiguration was successful (**column 8, lines 35-50**).
29. As per claim 36, Kim et al teach said reconfiguring the appliance comprises modifying an application program (**column 5, lines 35-51, column 8, lines 10-50**).
30. As per claim 37, Kim et al teach said modifying the application program comprises modifying an operating system (**column 4, lines 28-61, column 5, lines 20-column 6, lines 65**).
31. As per claim 38, Kim et al teach receiving an electronic data file indicating whether or not reconfiguration of an appliance of the group was successful (**column 8, lines 35-50**).
32. As per claim 39, Kim et al teach entering the configuration information comprises entering configuration to modify an operating system of an appliance selected from a router and a server (**column 6, lines 30-65, Figure 3**).
33. As per claim 41, Kim et al teach wherein the storage medium further comprises instructions that when executed cause the systems to: send an electronic file indicating whether or not reconfiguration of an appliance of the group was successful (**column 8, lines 35-50**). Kim et al fail to teach wherein the electronic data file is an email. However, Smith et al teach that email messages include commands and requests to reconfigure a network device (**abstract, column 2, lines 40-50**). It would have been obvious to one of the ordinary skill in the art to combine the teachings of Kim et al and Smith et al because the use of email messages in Kim et al would allow for the reconfiguring of devices behind firewalls since firewalls do not block email messages.

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Conclusion

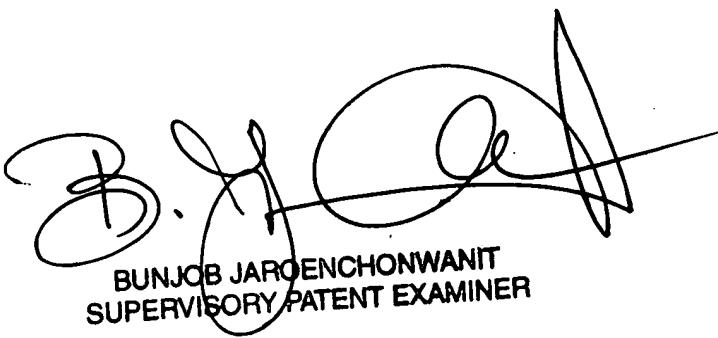
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are recited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
May 22, 2006



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SUPERVISORY PATENT EXAMINER